

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ELAINE SQUERI,

Plaintiff,

-against-

SEAFIELD SERVICES, INC. AND JOHN HALEY,  
AS AIDER AND ABETTOR,

Defendants.  
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**06 CV 6786 (LDW)(AKT)**

**AMENDED JOINT  
PRETRIAL ORDER**

1. The names, addresses, telephone and fax numbers trial counsel is as follows:

BRENDAN CHAO  
Attorney & Counselor at Law  
Attorney for Plaintiff  
67 Cutter Mill Road  
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(516) 466-2007 (Facsimile)

Mark E. Spund, Esq.  
DAVIDOFF MALITO & HUTCHER LLP  
Attorneys for Defendants  
200 Garden City Plaza, Suite 315  
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2. The Plaintiff previously requested a trial by jury of this matter, and estimates that four trial days are needed to present her case in chief.

The Defendants estimate that three trial days are needed to present their case in chief.

3. The Plaintiff's fact witnesses are as follows:

·John Haley  
·Mark Epiley  
·Jeffrey Squeri

- Jo Venturelli
- Dr. Joseph Ippolito
- Lisa Moran
- Michelle Orlando
- Susan Doulos
- Nancy Beckett-Lawless
- Maureen Saccio
- Diane Henry
- Anita Young
- Shirley Johnson
- Dr. Philip Gianelli
- Lizabeth Graeve
- Carl Berglin

The Plaintiff anticipates that these witnesses will testify in person.

The Defendant's fact witnesses are as follows:

- Carl Berglin
- Tricia Corbin
- Dana Diaz
- Susan Doulous
- Kieran Dwyer
- Mark Epley
- Dr. Philip Gianelli
- John Haley
- Diane Henry
- Dr. Joseph Ippolito
- Shirley Johnson
- Nancy Becket Lawless
- Dr. Frank Monteleone
- Lisa Moran
- Michelle Orlando
- Anthony Rizzuto
- Elaine Saccio
- Josephine Verturelli
- Dr. Lora Weiselberg
- Anita Young

The Defendant anticipates that these witnesses will testify in person.

4. The Plaintiff does not anticipate offering deposition testimony in its case in chief.

The Defendants do not anticipate offering deposition testimony in their case in chief.

5. The Parties' list of exhibits to be offered in her case in chief are as follows:

PLAINTIFF'S EXHIBITS WITH DEFENDANTS' OBJECTION		
Exhibit	Bates No.	Description
1	SS 0003-0004	Cobra Participant Details Objection: None
2	SS 0009-0010	Benefit Elections Objection: None
3	SS 0026	Purchase Requisition Objection: None
4	SS 0027	Korell Memo dated 3/29/2006 Objection: None
5	SS 0028	Elaine Squeri Money Order Objection: None
6	SS 0029	Squeri letter dated 12/20/2005 Objection: None
7	SS 0030-0035	Explanation of Short Term Disability Benefits Objection: None
8	SS 0036-0038	Unum Provident letter dated 1/9/2006 Objection: None
9	SS 0039-0041	Unum Provident letter dated 1/6/2006 Objection: None
10	SS 0046-0048	Employee Health History Objection: None
11	SS 0060-0061	Squeri Resume Objection: None

<b>PLAINTIFF'S EXHIBITS WITH DEFENDANTS' OBJECTION</b>		
<b>Exhibit</b>	<b>Bates No.</b>	<b>Description</b>
12	SS 0122	L. Moran Memo dated 1/17/2006  Objection: None
13	SS 0130-0131	Guardian Enrollment Form  Objection: None
14	SS 0136	Separation Check Sheet  Objection: None
15	SS 214-215	COO Job Description  Objection: None
16	SS 0204-0208	Haley Performance Evaluation  Objection: Authenticity – Rule 901, Relevancy - Rule 401, Hearsay – Rule 802
17	SS 0167-0168	Haley Resume  Objection: None
18	SS 0141-0150	Haley Payroll Records  Objection: Relevancy – Rule 403
19	SS 0000-0001	Executive Director Job Description  Objection: None
20	SS 0166	Seafield In-Service  Objection: Relevancy – Rule 401
21	SS 0090-0106	Seafield Services Personnel Policy Handbook  Objection: None

<b>PLAINTIFF'S EXHIBITS WITH DEFENDANTS' OBJECTION</b>		
<b>Exhibit</b>	<b>Bates No.</b>	<b>Description</b>
22	SS 0544-0550	Supervision Notes of K. Dwyer  Objection: None
23	SS	Defendants' Position Statement to EEOC with Attachments  Objection: Relevancy – Rule 401, Prejudicial – Rule 403
24	SS 0023-0025	L. Moran Letter dated 12/8/2005  Objection: None
25	SS 0042-0043	L. Moran Letter dated 12/22/2005  Objection: None
26	SS 0132	Haley Letter dated 1/18/2006  Objection: None
27	SS 0135	Payroll Change Notice  Objection: None
28	SS 0140	Haley Letter to Squeri  Objection: None
29		Medicaid Fraud Control Unit Press Release  Objection: Authenticity – Rule 901, Relevancy – Rule 401, Hearsay – Rule 802, Rule 608, Prejudicial – Rule 403
30	SS 00655A-00655	Corporate Admin. Asst. Job Description  Objection: None
31	SS 00795-00800	Employee Performance Evaluation Policy  Objection: None

<b>PLAINTIFF'S EXHIBITS WITH DEFENDANTS' OBJECTION</b>		
<b>Exhibit</b>	<b>Bates No.</b>	<b>Description</b>
32	SS 00830-00831	Employee Warning Report Policy  Objection: None
33	SS 00834-00835	Termination Report Policy  Objection: None
34	SS 0260-0284	NYDC Plan of Correction  Objection: Relevancy – Rule 401
35	SS 0268-0270	Mineola Outpatient Meeting Minutes dated 8/23/2005  Objection: None
36	SS 00607-00628	Executive Committee Meeting Minutes dated 9/1/2005  Objection: None
37	SS 00566-00570	Saccio Employee Warning Report  Objection: None
38		Miscellaneous Audit Reports of Seafield Center, Seafield Services and New York Diagnostic Center  Objection: Authenticity – Rule 901, Relevancy – Rule 401, Hearsay – Rule 802, Rule 608, Prejudicial - Rule 403
39		Frank Monteleone, M.D.'s medical records of Squeri  Objection: Authenticity – Rule 901, Relevancy – Rule 401, Hearsay – Rule 802, Prejudicial – Rule 403
40		Philip A. Gianelli, M.D.'s medical records of Squeri  Objection: Authenticity – Rule 901, Relevancy – Rule 401, Hearsay – Rule 802, Prejudicial – Rule 403

PLAINTIFF'S EXHIBITS WITH DEFENDANTS' OBJECTION		
Exhibit	Bates No.	Description
41		Lora Weiselberg, M.D.'s medical records of Squeri  Objection: Authenticity – Rule 901, Relevancy – Rule 401, Hearsay – Rule 802, Prejudicial – Rule 403
42		Alan Katz, M.D.'s medical records of Squeri  Objection: Authenticity – Rule 901, Relevancy – Rule 401, Hearsay – Rule 802, Prejudicial – Rule 403
43		Alexander A. Hindenberg, M.D.'s medical records of Squeri  Objection: Authenticity – Rule 901, Relevancy – Rule 401, Hearsay – Rule 802, Prejudicial – Rule 403
44		Cindy Kaufman, M.D.'s medical records of Squeri  Objection: Authenticity – Rule 901, Relevancy – Rule 401, Hearsay – Rule 802, Prejudicial – Rule 403
45	0013-0018; 0023	Squeri 2004-2006 W-2's  Objection: None
46	0025-0055; 0064-0076	Miscellaneous Job Postings and Cover Letters  Objection: Authenticity – Rule 901
47	0081	Seafeld Letter dated 12/15/2005  Objection: None
48	0081	Seafeld Letter dated 10/26/2006  Objection: None
49	0087-0132	Verizon LUDS  Objection: None

<b>PLAINTIFF'S EXHIBITS WITH DEFENDANTS' OBJECTION</b>		
Exhibit	Bates No.	Description
50		Job Posting  Objection: Authenticity – Rule 901, Hearsay – Rule 802 - Unidentified Documents
51	SS 0293-0349	Seafield Services Financial Statement  Objection: Relevancy – Rule 401, Prejudicial - Rule 403
52	SS 0350-0351	Haley W-2  Objection: Relevancy – Rule 401, Prejudicial – Rule 403
53	SS 0353-0372	Seafield Employee Handbook  Objection: None
54	SS 0373	R. Lipp Letter dated 12/8/1999  Objection: None
55	SS 00374	L. Moran Memo  Objection: None
56	SS 0375-0403	Equal Employment Opportunity Policy  Objection: None
57	SS 0255-257; 000513-524; 000530-536; 000538-543	Miscellaneous Journal Entries  Objection: Foundation Obj. to Extent Entire Document Not Submitted
58	SS 0287-0288	Office Assistant Job Description  Objection: None



<b>PLAINTIFF'S EXHIBITS WITH DEFENDANTS' OBJECTION</b>		
<b>Exhibit</b>	<b>Bates No.</b>	<b>Description</b>
59	SS0289	Receptionist Job Description  Objection: None
60	SS 0290-0292	Office Manager Job Description  Objection: None
61	SS 00589-600; 00601-614	Executive Committee Minutes  Objection: None
62	SS 00875-878	Haley Personal Financial Statement  Objection: Relevancy – Rule 401, Prejudicial – Rule 403
63	SS 00544; 00566-00570	Employee Warning Report  Objection: To Extent All Documents Not Submitted
64	SS 00632-874	Policy & Procedure Manual  Objection: Relevancy – Rule 401
65		Defendants' Responses to Interrogatories  Objection: None

<b>DEFENDANTS' EXHIBITS WITH PLAINTIFF'S OBJECTION</b>		
<b>Exhibit</b>	<b>Bates No.</b>	<b>Description</b>
A	SS 167-168	John Haley Resume  Objection: None
B	SS0214-15	Chief Operating Officer Job Description  Objection: None
C	SS 0020-21	Resume of Domenick Pusateri  Objection: Hearsay and Relevance
D	S064-065	Elaine Squeri Resume  Objection: None
E	SS083	Elaine Squeri Application for Employment  Objection: None
F	SS 138	Payroll Change Notice dated 5/23/05  Objection: None
G	SS 249	11/10/05-Memo to Personnel file from John Haley  Objection: Hearsay
H	SS 250-254	12/07/05-Memo to Anita Young from Kieran Dwyer  Objection: Hearsay
I	SS023-025	12/8/05 Letter to Elaine Squeri from Lisa Moran  Objection: None
J	SS 137	Termination Report  Objection: None
K	SS 135	Payroll Change Notice – Dated 1/18/06  Objection: None

<b>DEFENDANTS' EXHIBITS WITH PLAINTIFF'S OBJECTION</b>		
<b>Exhibit</b>	<b>Bates No.</b>	<b>Description</b>
L	SS 132	1/18/06 Termination Letter  Objection: None
M	SS 133	Certified Mail Receipt  Objection: None
N	SS 134	Return Receipt Card signed by Elaine Squeri  Objection: None
O	SS 404	1/20/06 Memo re Diane Henry – Executive Director  Objection: Relevance
P	SS 405	1/19/05 Payroll Change Notice  Objection: Relevance
Q	SS 406	12/14/06 Payroll Change Notice  Objection: Relevance
R	SS 140	10/30/06 Letter to Elaine Squeri – with certified receipt and signed return receipt card  Objection: None
S	SS 544	9/3/03 - Employee Warning Report – Re: Maryanne Giordano  Objection: None
T	SS 545	11/23/07 – Payroll Change Notice re: Sheryl Stellwagen-Svensson  Objection: None
U	SS 546	11/23/07 – Termination Report re: Sheryl Stellwagen-Svensson

<b>DEFENDANTS' EXHIBITS WITH PLAINTIFF'S OBJECTION</b>		
<b>Exhibit</b>	<b>Bates No.</b>	<b>Description</b>
		Objection: None
V	SS 547-550	11/23/07 – Memorandum from Anita Young to Personnel file re: Sheryl Stellwagen-Svensson  Objection: None
W	SS 553	9/17/07 – Payroll Change Notice re: Sheryl Stellwagen-Svensson  Objection: None
X	SS 554	12/22/05 – Payroll Change Notice re: Sheryl Stellwagen-Svensson  Objection: None
Y	SS 555	12/22/05 – Termination Report re: Sheryl Stellwagen-Svensson  Objection: None
Z	SS 556	11/12/05 Memo to John Haley from Nancy Beckett-Lawless re: Sheryl Stellwagen –Svensson  Objection: None
AA	SS 557-558	11/28/05 Memo to John Haley from Sally McGarrity re: Sheryl Stellwagen-Svensson  Objection: None
AB	SS 559-560	11/29/05 Memo to John Haley from Nancy Beckett-Lawless re: Sheryl Stellwagen-Svensson  Objection: None
AC	SS 566-570	2/17/08 – Employee Warning Report re: Maureen Saccio and Memo re: Maureen Saccio  Objection: None

<b>DEFENDANTS' EXHIBITS WITH PLAINTIFF'S OBJECTION</b>		
<b>Exhibit</b>	<b>Bates No.</b>	<b>Description</b>
AD	SS 258-259	Email dated 10/5/05 from Shelly to Susan D.  Objection: Hearsay
AE	SS 255-257	Notes of Trisha Carbin [sic]  Objection: Hearsay
AF	SS 268-270	8/29/05 Notes of Mineola Outpatient Meeting.  Objection: Hearsay
AG	SS 544-550	Kieran Dwyer Supervision Notes  Objection: None
AH	513-543	Kieran Dwyer Notes  Objection: Hearsay
AI		11/17/05 Letter from Dr. Lora Weiselberg to Dr. Frank Monteleone  Objection: Hearsay
AJ		11/15/05 – Faculty Practice Plan Follow Up by Dr. Weiselberg  Objection: Hearsay
AK		11/20/05 – Psychiatric Evaluation by Dr. Gianelli  Objection: Hearsay
AL		11/29/05 letter from Dr. Philip Gianelli to Dr. Frank Monteleone  Objection: Hearsay
AM		12/7/05 – Winthrop University Hospital Surgical Pathology Report  Objection: None

<b>DEFENDANTS' EXHIBITS WITH PLAINTIFF'S OBJECTION</b>		
<b>Exhibit</b>	<b>Bates No.</b>	<b>Description</b>
AN	SS 979-990	Amended and Restated Stafford Rental Agreement  Objection: None
AO		Amended Complaint  Objection: None
AP		Plaintiff's Response to Defendant's First Set of Interrogatories  Objection: None
AQ	SS052	Employee Physical Examination dated 6/3/05  Objection: None
AR	SS029	12/30/05 Letter to Lisa Moran from Elaine Squeri  Objection: None
AS	SS030-035	Short Term Disability Payment Explanation  Objection: None
AT	PL Ex. 2	Check Stub dated – 8/17/05  Objection: None
AU	SS090-114	Seafield Services Personnel signed by Elaine Squeri  Objection: None
AV	PL 13-15	Squeri W-2's for 2006  Objection: None
AW	PL 16-18	Squeri W-2 for 2005  Objection: None

<b>DEFENDANTS' EXHIBITS WITH PLAINTIFF'S OBJECTION</b>		
<b>Exhibit</b>	<b>Bates No.</b>	<b>Description</b>
AX	PL 89-100	Verizon Statement dated January 19, 2006 – for No. 516-21-6343  Objection: None
AY	PL 101-124	Verizon Statement dated January 1, 2006 for No. 718-423-5033  Objection: None
BA	PL 127-129 & 132	Verizon Wireless Statement January 1, 2006 – pages 4, 5 & 6  Objection: None
BB	PL 126	Verizon Wireless statement dated February 1, 2006- page 3  Objection: none
BC	PL 128-130 & 132	Verizon Wireless Statement dated February 1, 2006 – pages 4-6  Objection: None
BD		EEOC Charge of Discrimination  Objection: None
BE		Executive Committee Minutes May, 2005, through December, 2005.  Objection: None

Dated: June 20, 2008  
Great Neck, New York

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